

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DANIELLE MERMELSTEIN, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

WINDHAM MOUNTAIN PARTNERS, LLC,

Defendant.

Civil Action No. 1:24-cv-00191-
DNH-DJS

STIPULATION

WHEREAS, Plaintiff Danielle Mermelstein (“Plaintiff”), purportedly on behalf of herself and all others similarly situated, filed a Class Action Complaint (the “Complaint”) in this matter on February 7, 2024 in the United States District Court for the Northern District of New York.

[Dkt No. 1];

WHEREAS, on February 20, 2024, Plaintiff amended her complaint to name Defendant Windham Mountain Partners, LLC (“Defendant”) [Dkt. No. 2];

WHEREAS on February 28, 2024, Plaintiff served Defendant with copies of the Summons and Complaint via process server [Dkt. No. 14];

WHEREAS, on June 20, 2024, Defendant moved to dismiss Plaintiff’s complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) [Dkt. No. 27] (“Motion”).

WHEREAS, due to existing litigation conflicts and pre-planned travel surrounding the July 4 holiday, Plaintiff requires additional time to investigate the issues raised on the Motion and respond to the Motion accordingly;

WHEREAS Plaintiff respectfully requests, and Defendant does not oppose, a two-week extension of time from July 11, 2024 to July 25, 2024 to oppose Defendant’s Motion, and a corresponding two week extension of time from July 18, 2024 to August 1, 2024;

WHEREAS, this is Plaintiff’s first request for an extension of time in this matter;

IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel, that the time to Plaintiff to file her opposition to Defendant's Motion to dismiss is hereby extended through and including July 25, 2024, and the time for Defendant to file its reply in support of its Motion is hereby extended through and including August 1, 2024.

Dated: July 2, 2024

By: /s/Philip L. Fraietta

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Dated: July 2, 2024

By: _____

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Attorneys for Plaintiff

Attorneys for Defendant

IT IS SO ORDERED:

IT IS SO ORDERED.



David N. Hurd
U.S. District Judge

Dated: 07-08-2024